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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,228	07/22/2003	Jonathan Borg	HAM-10702/04	6965
25006	7590	04/07/2005	EXAMINER	
		GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C.	CASTRO, ARNOLD	
		PO BOX 7021		
		TROY, MI 48007-7021	ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/624,228	BORG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Arnold Castro	3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4,6,8-10,12,14-17,19 and 21 is/are rejected.  
 7) Claim(s) 5, 7,11,13,15, 16,18 and 20 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8-10, 14-16, 19, and 21are rejected under 35 U.S.C. 102(b) as being anticipated by Nogi et al. (US/5,894,832).

3. Nogi et al. discloses an engine startup fuel control system for use with an internal combustion engine of the type having a plurality of combustion chambers, an intake air passage (10) fluidly connected each combustion chamber, a cold start fuel passageway having an inlet and an outlet, the cold start fuel passageway outlet being fluidly connected to the combustion chambers and a source of fuel, said fuel control system comprising: a multipoint fuel injector (2) associated with each combustion chamber, each multipoint fuel injector (2) having an inlet connected to the fuel source and an outlet fluidly connected to said intake air passageway adjacent its associated combustion chamber, each said multipoint fuel injector, upon activation, injecting fuel into its associated combustion chamber, a cold start fuel injector having an inlet connected to said fuel source and an outlet fluidly connected to the inlet of the cold start fuel passageway, said cold start fuel injector, upon activation, introducing a fuel charge into the inlet of the cold start fuel passageway, processing means for producing a predetermined combustible charge in each combustion chamber during engine startup

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by selectively activating said multipoint fuel injectors during engine startup to provide fuel to each combustion chamber sufficient to compensate for any transport delay of the fuel charge from the cold start fuel injector inherently the fuel inject will pulse multiple pulses in relation to load of engine through the cold start fuel passageway. The invention includes a crankshaft trigger 11 and wherein said processing means initiates activation of said cold start fuel injector and said multipoint fuel injectors at a predetermined rotational speed of said main shaft determined from said trigger. The invention comprising a spark ignition system having a spark igniter (4) associated with each combustion chamber, and means for retarding and/or advancing activation of the spark igniter for all combustion chamber during engine startup. Since the retardation is a function of speed during transition the different cylinders would have different retardation angles. See figures 7-12, col. 5 lines 1-58; and col. 7 line 20-col. 8 line 40.

***Allowable Subject Matter***

4. Claims 5, 7, 11, 13, 15, 16, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold Castro whose telephone number is (571) 272-4839. The examiner can normally be reached on Mon, Tues, Wed, Thurs 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on (571)-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Arnold Castro  
Examiner  
Art Unit 3747

AC

  
Henry C. Yuen  
Supervisory Patent Examiner  
Group 3700